

## **REMARKS**

### **I. Claim Amendments**

Claim 1 has been amended. Support for amended Claim 1 is found at least on page 2 and in the example of the invention of the specification as originally filed. No new matter is added by way of this amendment.

### **II. Rejection under 35 U.S.C. 102**

Claims 1-3 and 8-9 stand rejected under 35 U.S.C. 102(b) as anticipated by Shinjou et al. (US 4,728,394). Claim 1 (currently amended) now recites a fabric consisting of a single woven layer of synthetic bicomponent filaments, wherein the fabric has been calendered on at least one surface thereof and the fabric has an air permeability, of less than 6 cubic centimeters per second persquare centimeter. ( $\text{cm}^3/\text{cm}^2/\text{sec}$ ), measured at a static pressure of 10 millimeters of water. The definition of the term "single woven layer" is found in the specification as filed and refers to a single woven textile filaments as disclosed in the example of the invention. The Applicant's fabric consists of a woven single thickness of the fabric and is generally used as a single thickness article or garment. By contrast the disclosures of Shinjou et al. are limited to nonwoven fabrics comprising staple fibers wherein these nonwoven fabrics are bonded with another nonwoven fabric to form at least two layer of laminates of low air permeability. The disclosed air permeability test method of Shinjou et al. requires a differential pressure of "0.8 inches water gauge" which is about two times the differential pressure of 10 mm water recited for the Applicant's Claim 1. The skilled person would judge the very low air permeability two layer nonwoven fabric laminates of Shinjou et al. to not be suited for use in garments. In contrast, the Applicant's low air permeability woven fabric is best suited for garment use.

The Applicant's respectfully submit the disclosures of Shinjou et al. are not anticipating of Claim 1 as currently amended or claims 2-3 and 8-9 which depend from the amended Claim 1.

### **IV. Rejection under 35 U.S.C. 102/103**

Claims 1-6 and 8-9 stand rejected under 35 U.S.C. 102(e) as anticipated by, or in the alternative, under 35 U.S.C. 103(a) as being obvious over Nakajima et al. (US 6,207,600). Claim 1 (currently amended) now recites a fabric consisting of a single woven layer of synthetic bicomponent filaments, wherein the fabric has been calendered on at least one surface thereof and the fabric has an air permeability, of less than 6 cubic centimeters persecond persquare centimeter. ( $\text{cm}^3/\text{cm}^2/\text{sec}$ ), measured at a static pressure of 10 millimeters of water. The

definition of the term "single woven layer" is found in the specification as filed and refers to a single woven textile filaments as disclosed in the example of the invention. The Applicant's fabric consists of a woven single thickness of the fabric and is generally used as a single thickness article or garment. The disclosures of Nakajima et al. do not wholly disclose or suggest the Applicant's inventions as claimed. The only calendered fabrics known from the disclosures of Nakajima et al. are nonwovens which are not equivalent to the single thickness fabric consisting of woven synthetic bicomponent filaments of the Applicant's invention. The calendered nonwovens of Nakajima et al. cannot be compared directly with the calendered fabrics of the instant invention since Nakajima et al. is silent on the calender process and apparatus. The Applicant's example of the invention enables the calender conditions through disclosure of the calendering temperature, the calendering pressure in the nip and the speed at which the fabric is processed through the calender. Knowing these conditions about the Applicant's invention allows the skilled person to reproduce the air permeability characteristics obtained for the fabrics of the invention. As such, no conclusions could be drawn by the skilled person about the air permeability of the calendered nonwoven fabrics disclosed by the applied reference (Nakajima et al.).

The Applicants respectfully submit Claim 1 (currently amended), and claims 2-3 and 8-9 which depend from Claim 1 are novel and nonobvious in view of the Nakajima et al. for the foregoing reasons.

#### **V. Rejection under 35 U.S.C. 103**

**Claims 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al. in view of JP 05 148703.** Claim 1 (currently amended) now recites a fabric consisting of a single woven layer of synthetic bicomponent filaments, wherein the fabric has been calendered on at least one surface thereof and the fabric has an air permeability, of less than 6 cubic centimeters persecond persquare centimeter. ( $\text{cm}^3/\text{cm}^2/\text{sec}$ ), measured at a static pressure of 10 millimeters of water. The definition of the term "single woven layer" is found in the specification as filed and refers to a single woven textile filaments as disclosed in the example of the invention. The Applicant's fabric consists of a woven single thickness of the fabric and is generally used as a single thickness article or garment. The combination of Nakajima et al. with JP 05 148703 is no incentive to the skilled person for the reason that the only calendered fabrics known from the disclosures of Nakajima et al. are nonwovens. Nonwovens are not equivalent to the single thickness fabrics consisting of woven textile filaments of the Applicant's invention. The UV absorptive sheath-core filaments disclosed in JP 05 148703 are limited to uses in tape-like products which are combined in multiple layers and sewn into clothing. Fundamentally, the UV

absorber filament based tape-like products disclosed in JP 05 148703 are not equivalent to single thickness woven fabrics of the Applicant's invention.

The Applicants respectfully submit Claim 7 which depends from Claim 1 (currently amended) is nonobvious in view of JP 05 148703 and Nakajima et al. for the foregoing reasons.

## CONCLUSION

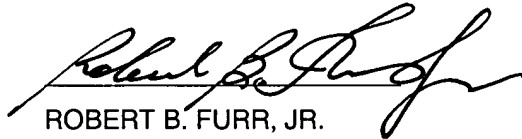
This was meant to be a complete reply to the action made final. The Applicant respectfully submits that each and every rejection is overcome and maintains that claims are in condition for allowance.

The Applicant respectfully requests the Examiner's issuance of a Notice of Allowance.

Should the Examiner have questions, the Applicant's representative would welcome an opportunity to discuss any questions.

Respectfully submitted,

Dated: August 18, 2005



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